

# House Study Bill 775

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
GOVERNMENT OVERSIGHT BILL  
BY CHAIRPERSON ALONS)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to citations issued to persons under the age of  
2 eighteen for alcohol-related offenses and parental and school  
3 notification.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 6641HC 81  
6 rh/je/5

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1 1 Section 1. Section 321.284, Code 2005, is amended to read  
1 2 as follows:  
1 3 321.284 OPEN CONTAINERS IN MOTOR VEHICLES == DRIVERS.  
1 4 1. A driver of a motor vehicle upon a public street or  
1 5 highway shall not possess in the passenger area of the motor  
1 6 vehicle an open or unsealed bottle, can, jar, or other  
1 7 receptacle containing an alcoholic beverage. "Passenger area"  
1 8 means the area designed to seat the driver and passengers  
1 9 while the motor vehicle is in operation and any area that is  
1 10 readily accessible to the driver or a passenger while in their  
1 11 seating positions, including the glove compartment. An open  
1 12 or unsealed receptacle containing an alcoholic beverage may be  
1 13 transported in the trunk of the motor vehicle. An unsealed  
1 14 receptacle containing an alcoholic beverage may be transported  
1 15 behind the last upright seat of the motor vehicle if the motor  
1 16 vehicle does not have a trunk. A person convicted of a  
1 17 violation of this section is guilty of a simple misdemeanor  
1 18 punishable as a scheduled violation under section 805.8A,  
1 19 subsection 14, paragraph "e".

1 20 2. a. A peace officer shall make a reasonable effort to  
1 21 identify a person under the age of eighteen who violates this  
1 22 section and, if the person is not referred to juvenile court,  
1 23 the law enforcement agency of which the peace officer is an  
1 24 employee shall make a reasonable attempt to notify the  
1 25 person's custodial parent or legal guardian of the violation,  
1 26 whether or not the person is taken into custody, unless the  
1 27 officer has reasonable grounds to believe that notification is  
1 28 not in the best interests of the person or will endanger that  
1 29 person.

1 30 b. The peace officer shall also make a reasonable effort  
1 31 to identify the elementary or secondary school which the  
1 32 person attends if the person is enrolled in elementary or  
1 33 secondary school and to notify the superintendent or the  
1 34 superintendent's designee of the school which the person  
1 35 attends, or the authorities in charge of the nonpublic school  
2 1 which the person attends, of the violation. If the person is  
2 2 taken into custody, the peace officer shall notify a juvenile  
2 3 court officer who shall make a reasonable effort to identify  
2 4 the elementary or secondary school the person attends, if any,  
2 5 and to notify the superintendent of the school district or the  
2 6 superintendent's designee, or the authorities in charge of the  
2 7 nonpublic school, of the violation. A reasonable attempt to  
2 8 notify the person includes but is not limited to a telephone  
2 9 call or notice by first-class mail.

2 10 Sec. 2. Section 321.284A, Code 2005, is amended by adding  
2 11 the following new subsection:

2 12 NEW SUBSECTION. 1A. a. A peace officer shall make a  
2 13 reasonable effort to identify a person under the age of  
2 14 eighteen who violates this section and, if the person is not  
2 15 referred to juvenile court, the law enforcement agency of  
2 16 which the peace officer is an employee shall make a reasonable

2 17 attempt to notify the person's custodial parent or legal  
2 18 guardian of the violation, whether or not the person is taken  
2 19 into custody, unless the officer has reasonable grounds to  
2 20 believe that notification is not in the best interests of the  
2 21 person or will endanger that person.  
2 22     b. The peace officer shall also make a reasonable effort  
2 23 to identify the elementary or secondary school which the  
2 24 person attends if the person is enrolled in elementary or  
2 25 secondary school and to notify the superintendent or the  
2 26 superintendent's designee of the school which the person  
2 27 attends, or the authorities in charge of the nonpublic school  
2 28 which the person attends, of the violation. If the person is  
2 29 taken into custody, the peace officer shall notify a juvenile  
2 30 court officer who shall make a reasonable effort to identify  
2 31 the elementary or secondary school the person attends, if any,  
2 32 and to notify the superintendent of the school district or the  
2 33 superintendent's designee, or the authorities in charge of the  
2 34 nonpublic school, of the violation. A reasonable attempt to  
2 35 notify the person includes but is not limited to a telephone  
3 1 call or notice by first-class mail.

3 2                     EXPLANATION

3 3     This bill relates to citations issued to persons under the  
3 4 age of 18 for alcohol-related offenses and parental  
3 5 notification.

3 6     The bill provides that a peace officer shall make a  
3 7 reasonable effort to identify a person under 18 who drives a  
3 8 motor vehicle or is a passenger in a motor vehicle and who is  
3 9 in possession of an open or unsealed container of alcohol. If  
3 10 such person is not referred to juvenile court, the relevant  
3 11 law enforcement agency shall make a reasonable attempt to  
3 12 notify the person's custodial parent or legal guardian,  
3 13 whether or not the person is taken into custody, unless the  
3 14 officer has reasonable grounds to believe that notification is  
3 15 not in the best interests of the person or will endanger that  
3 16 person.

3 17     The bill provides that the peace officer shall make a  
3 18 reasonable effort to identify the school which the person  
3 19 attends and the superintendent of such school district or the  
3 20 authorities in charge of a nonpublic school the person  
3 21 attends. If the person is taken into custody, the peace  
3 22 officer shall notify a juvenile court officer who shall make a  
3 23 reasonable effort to notify all interested persons.

3 24 LSB 6641HC 81

3 25 rh:rj/je/5